

**TOWN OF ESSEX**  
**Inland Wetlands and Watercourses Commission**  
**29 West Avenue**  
**Essex, CT 06426**  
**essexct.gov**

**MINUTES**

Regular Meeting - July 12, 2011

**Call to Order and Seating of Members**

The regularly scheduled meeting of the Essex IWWC was conducted on July 12, 2011 in Room A of the Essex Town Hall. Those members in attendance were Chair, Daniel Lapman, Nancy Arnold, Fred Szufnarowski, Claire Tiernan, and Larry Shipman. Also in attendance were Joseph Budrow, Essex WEO/ZEO and Stella Beaudoin, Recording Secretary.

**Motion** made by Dan Lapman to seat Fred Szufnarowski for Charles Corson.

**Motion** seconded by Nancy Arnold and passed unanimously.

**Old Business**

**Application 11-5, property located at 47 Falls River Drive, Ivoryton, CT.** This is an application to dredge a pond.

A Commission member asked if this pond had ever been dredged.

Mr. Zanni, property owner stated that he has lived at this property for five years and to his knowledge the pond had never been dredged. Mr. Zanni stated that the nature preserve abuts this property and this residence is rural, with no abutting neighbors. He noted that the people who lived on this property had dumped their leaves and debris in the pond for the last 28 years.

Joe Budrow, Essex WEO/ZEO stated that this is a duck pond with a dam on one end and the other end is the highlands which brings sediment to the pond. Mr. Budrow noted that if not taken care of the water flow will re-route the brook. Mr. Budrow noted that as per the Essex IWWC regulations, the neighbors do not need to be notified unless this application goes to a public hearing.

Mr. Szufnarowski questioned if the IWWC should encourage the applicant to dredge more of the pond to avoid disturbing the area in the near future.

**Motion** made by Nancy Arnold to grant a Permit to **Application 11-5, property located at 47 Falls River Drive, Ivoryton, CT.** This is an application to dredge a pond. Based on the documents presented, the site walk and on the testimony given at this meeting and former meetings, the Commission finds that the proposed activity is a regulated activity not involving significant or major effect upon the inland wetlands or watercourse which occur on the property as defined in Section 2.2, and that no reasonable or prudent alternative exists to the proposed plans. The Commission members feel that the proposed activities are well suited to the area.

The Commission makes a Summary Ruling and grants a permit and permission for the applicant to proceed with proposed activity as stated on said application and as shown on plans accompanying the application, subject to the following conditions:

1. In accordance with the Commission's Regulations, the activity pursuant to said permit shall be initiated within 5 years of the date of publication and shall be completed within one year of the date of initiation and will occur between March 15<sup>th</sup> and October 15<sup>th</sup> of the year of initiation.
2. Should the applicant determine that the permitted activity will not be completed between March 14<sup>th</sup> and October 15<sup>th</sup> of the year of initiation, the applicant agrees to appear before the Commission and present a plan for the stabilization of the site during the non-permitted months.
3. The applicant agrees to follow the advice and direction of the Town of Essex Enforcement Officer with regard to any field changes she/he deems necessary or may require for the protection of the inland wetlands and water course during the process.
4. The Commission, through its Enforcement Officer, shall be notified in writing upon the initiation of the authorized activity and again upon completion of these activities

**Discussion:** Sedimentation control measures will be set up during the dry period along the border of the excavated area when the dredging occurs.

**Motion** seconded by Larry Shipman and passed unanimously.

**Application #11-7, property located at 52 West Avenue, Essex, CT on behalf of Essex Park and Recreation. This is an application for dredging Sunset Pond.** Rick Audett, Essex Park and Recreation director presented. Mr. Audett stated that Sunset pond is one of the Town's parks and it is owned by the Paul foundation and leased to the Town. The care and keeping of Sunset pond is under the auspices of Park and Rec. There is a dock for fishing and at this time, it is not possible to fish from the dock due to the excessive overgrowth.

Mr. Audett stated that Sunset pond is a recreational facility and an asset to the Town. This application is to remove some of the overgrowth, silt and debris a few feet off shore. This application is only to remove the silt and debris in the vicinity of the dock area. Mr. Audett noted that there is work that needs to be done within the whole pond, however at this time Mr. Audett proposes to clear the area within four feet of the dock. Town of Essex Public Works will remove the debris from the property. Mr. Audett hopes to begin this project within one month.

Jim Gosman, 11 West Avenue, Essex, CT presented. Mr. Gosman met with Mr. Paul of the Paul Foundation and he is also working with Anne Penniman, landscape architect. Mr. Gosman wishes to rescue the pond from the continuing erosion on the north side. Mr. Gosman noted that this pond is the "gateway" pond and hopes to make it more visually attractive and useful. Mr. Gosman suggested the following steps in 2011 as a part of this enhancement project; the elimination of the dead willow tree on the north shore and he proposed to grind down the stump and replace with a new willow tree. To dredge out the silted debris filled area within the dock area; to fill the eroded littoral area and seed so grass reaches pond's edge; To cut back overgrowth at the southwest edge of the pond and to eliminate current blockage of the path around the west end of the pond; To have a local landscape architect develop an enhancement plan with projected costs; and to treat the water for eye-sore weeds.

Mr. Gosman suggested the construction of erosion retaining bulkheads across the entire north side of the pond as well as 30 feet right of the dock; to build a path around the entire east end of the pond; to add landscaping enhancements; to add additional picnic tables/sitting benches and to repair road surfaces.

Mr. Gosman proposes to repair the path around the west side of the pond and to cut back all underbrush at the southwest and southeast corners of the pond in 2012.

Mr. Gosman had a wetlands analysis conducted on this property via Richard Snarski, wetlands scientist. Mr. Snarski is working in conjunction with Richard Gates, land surveyor. Mr. Gosman stated that he will come back to the Inland Wetlands and Watercourses Commission when he has the analysis results from Mr. Gates.

In a discussion with Dick Smith, Deep River first selectman, Mr. Smith stated that the ponds in the Town of Deep River are pristine because the selectmen work closely with the Deep River IWWC and through that Commission the DEP comes in yearly and sprays the area for the elimination of phragmites.

Mr. Lapman suggested that Mr. Gosman get in touch with the Essex Rotary for assistance with this project.

**Motion** made by Nancy Arnold to grant a Permit to **Application #11-7, property located at 52 West Avenue, Essex, CT on behalf of Essex Park and Recreation.** This is an application for dredging Sunset Pond. Based on the documents presented, the site walk and on the testimony given at this meeting the Commission finds that the proposed activity is a regulated activity not involving significant or major effect upon the inland wetlands or watercourse which occur on the property as defined in Section 2.2, and that no reasonable or prudent alternative exists to the proposed plans. The Commission members feel that the proposed activities are well suited to the area.

The Commission makes a Summary Ruling and grants a permit and permission for the applicant to proceed with proposed activity as stated on said application and as shown on plans accompanying the application, subject to the following conditions:

1. In accordance with the Commission's Regulations, the activity pursuant to said permit shall be initiated within 5 years of the date of publication and shall be completed within one year of the date of initiation and will occur between March 15<sup>th</sup> and October 15<sup>th</sup> of the year of initiation.
2. Should the applicant determine that the permitted activity will not be completed between March 14<sup>th</sup> and October 15<sup>th</sup> of the year of initiation, the applicant agrees to appear before the Commission and present a plan for the stabilization of the site during the non-permitted months.
3. The applicant agrees to follow the advice and direction of the Town of Essex Enforcement Officer with regard to any field changes she/he deems necessary or may require for the protection of the inland wetlands and water course during the process.
4. The Commission, through its Enforcement Officer, shall be notified in writing upon the initiation of the authorized activity and again upon completion of these activities

**Motion** seconded by Nancy Arnold and passed unanimously.

#### **Application 11-8, Novelty Lane, Town of Essex** for public access improvements

Mr. Lapman commented on the June 22, 2011 site inspection noting that the site is in a state of disrepair.

Mr. Going presented on behalf of this application. Mr. Going stated that the Essex Harbor Commission is a public access manager of the property.

Mr. Going explained that the driveway on property owned by Dr. Sinatra extends across Novelty Lane and onto the Brewer Dauntless property. The Harbor Management Commission has suggested to

Dr. Sinatra to move his driveway back so that it would no longer be situated within the Brewer Dauntless property. Mr. Going stated that from Dr. Sinatra's property the driveway tapers to 15.5 feet down to the steel bulkhead. There is a drainpipe and it is believed that the roof drain was relocated by the property owner to the east. The property line to the Lomme property is the west wall of the house.

Mr. Going stated that he took the issue surrounding this public access way to the Essex Selectmen and the Essex Conservation Commission also presented the issue surrounding this public access way issue to the selectmen. At the May 4, 2011 Essex Selectmen's meeting the Harbor Commission discussed the issues of improving the access on Novelty Lane to that meeting. There is an area of only 8 feet that available of the public to access the water.

It was noted that there is sufficient room for two people to carry canoes down to the water. The Harbor Commission wants to make the access way more accessible to the public, to remove some arborvitae and to create some signage to identify the area.

Dan Lapman stated that he would like the town engineer to look at the issue of the drain pipe, particularly in light of the fact that the pipe is draining onto the access way.

Nancy Arnold asked Mr. Going if there is any indication that the Lomme's, the Sinatra's and the Town of Essex can get together to discuss this matter.

Mr. Lapman stated that several years ago, the Essex IWWC approved the installation of the wall retroactively. Mr. Budrow will look for that approval and make it available to commissioners at the next regularly scheduled meeting in August along with the report from Robert Doane, the Town engineer.

Mr. Going stated that the Town is working with a deadline in terms of the availability of the money. They will lose the grant money if it is not spent within the next 75 days.

**Motion** made by Dan Lapman to instruct the Essex Town Engineer to visit the property on behalf of **Application #11-8, Novelty Lane, Town of Essex** public access-way and make a determination on the drainage pipe in question and for Essex WEO, Joe Budrow to further research the pipe and determine if permission was granted and by whom to construct the stone wall on the access-way.

**Motion** seconded by Nancy Arnold and passed unanimously.

### **New Business**

**Application #11-9, Gary Dayharsh, for property at 80 Plains Road, Essex, CT.** This is application to add a 30' x 60' addition to the rear of a commercial building, as well as paving an area that is currently a gravel parking area. The property is currently comprised of a 7,653 s/f building and houses a professional office and a business office. A third unit is empty.

Mr. Dayharsh presented on behalf of this application. Mr. Dayharsh clarified the location of his property on 80 Plains Road which is east of Cliff's Market. Silverio Mechanical out of Old Saybrook would like to move into unit 3 which is situated at the back end of the building. They need a garage and warehouse for their business.

Mr. Dayharsh stated that this proposal will not alter the wetlands, however the impervious area will be increased. The drainage currently flows to the back of the property and Mr. Dayharsh proposes no change to that. The drainage will flow to the wetlands from the pipes.

Ms. Arnold suggested that the driveway not be paved.

Mr. Dayharsh stated that there will be no bathroom; the existing septic is to code, however there is not enough reserve area.

**Motion** made Nancy Arnold by to approve a Permit for **Application #11-9, Gary Dayharsh, for property at 80 Plains Road, Essex, CT.** This is application is for a garage addition on a commercial building. Based on the documents presented and on the testimony given at this meeting, the Commission finds that the proposed activity is a regulated activity not involving significant or major effect upon the inland wetlands or watercourse which occur on the property as defined in Section 2.2 (j), and that no reasonable or prudent alternative exists to the proposed plans. The Commission members feel that the proposed activities are well suited to the area.

The Commission makes a Summary Ruling and grants a permit and permission for the applicant to proceed with proposed activity as stated on said application and as shown on plans accompanying the application, subject to the following conditions:

1. The proposed driving surface will not be paved and will remain with crushed stone.
2. In accordance with the Commission's Regulations, the activity pursuant to said permit shall be initiated within 5 years of the date of publication and shall be completed within one year of the date of initiation and will occur between March 15<sup>th</sup> and October 15<sup>th</sup> of the year of initiation.
3. Should the applicant determine that the permitted activity will not be completed between March 14<sup>th</sup> and October 15<sup>th</sup> of the year of initiation, the applicant agrees to appear before the Commission and present a plan for the stabilization of the site during the non-permitted months.
4. The applicant agrees to follow the advice and direction of the Town of Essex Enforcement Officer with regard to any field changes she/he deems necessary or may require for the protection of the inland wetlands and water course during the process.
5. The Commission, through its Enforcement Officer, shall be notified in writing upon the initiation of the authorized activity and again upon completion of these activities

**Motion** seconded by Larry Shipman and passed unanimously.

**Approval of Minutes:** Regular Meeting, June 14, 2011 and Site Walks, June 22, 2011.

The June 22, Minutes were reviewed and approved.

**Motion** made by Larry Shipman to approve the Minutes from the June 14, 2011 meeting.

**Motion** seconded by Claire Tiernan and passed unanimously.

**Approval of the Site Walk Minutes of June 22, 2011.**

The Site Walk Minutes of June 22, 2011 were reviewed and approved.

**Motion** made by Dan Lapman to approve the Site Walk Minutes from the June 22, 2011 meeting.

**Motion** seconded by Claire Tiernan and passed unanimously.

**Correspondence and Invoices**

No correspondence.

## **Reports**

**Wetland Agent:** Mr. Budrow stated that he has streamlined and improved the wetlands application.

- Mr. Budrow will chronicle every parcel that has a survey and work with GIS company and he will send site plans via email so they can digitize and show wetlands on the respective maps. There are many properties where wetlands are not identified and Mr. Budrow will work to improve that. Mr. Szufnarowski noted that the revision date on the IW Application is reflected as May 2010. Mr. Budrow will amend that and email the final changes to commissioners.
- Mr. Budrow commented on property situated on Heron Pond. There is a tube installed in the pond which is causing erosion around the pond. The town dumped two loads of stone around the tube to prevent further erosions. Mr. Budrow will ask Robert Doane, Town engineer to review the area and look at a plan to replace the tube with a spillway.
- The Conservation Commission is getting money to do some phragmite removal and treatment at Viney Hill Brook Park passive recreation area at Old Quarry pond. Mr. Budrow stated that he wants to contact the State of CT DEP to be sure that the removal of the phragmites is permitted. The State regulates pesticides and the company retained for phragmites removal utilizes herbicides. Mr. Budrow will research the distinction between pesticides and herbicides and report back to the Commission.
- The landscaping plan of property owned by Michael Picard, 141 Saybrook Road, Essex, CT project in the area of Pent Cove Restway is almost complete. Mr. Picard is in the process of replanting the grass and installing 100+ Arborvitaes.

**Chairperson Daniel Lapman.** No report.

**Planning Commission Representative Claire Tiernan:** Ms. Tiernan reported that the Planning Commission is working on the Transportation study, Safe Routes to School and the Architectural Design Review Subcommittee.

- The Planning Commission is also addressing affordable housing. The Town of Essex is the recipient of the technical assistance for sustainable communities. The workshops were well received and informative.

**Conservation Commission Representative Goody LeLash:** No report.

**Motion** made by Dan Lapman to adjourn.

**Motion** seconded by Nancy Arnold and passed unanimously.

The regularly scheduled meeting of the Essex IWWC adjourned at 8:40 p.m.

Respectfully submitted,

Stella C. Beaudoin  
Recording Secretary